

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CRISTIAN EDUARDO LEMUS
AGUILAR,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Case No. 1:22-cv-00304-JLT-SAB

ORDER RE: STIPULATED MOTION TO
MODIFY SCHEDULING ORDER

(ECF Nos. 15, 18, 19)

A scheduling order for this matter issued on August 1, 2022, that was modified one time on April 19, 2023. (ECF Nos. 15, 18.) The amended scheduling order contains the following dates and deadlines:

1. Non-Expert Discovery Deadline: **August 4, 2023;**
2. Expert Disclosure Deadline: **October 20, 2023;**
3. Supplemental Expert Disclosure Deadline: **December 8, 2023;**
4. Expert Discovery Deadline: **January 12, 2024;**
5. Dispositive Motion Filing Deadline: **February 2, 2024;**
6. Pretrial Conference: **July 8, 2024, at 1:30 p.m., in Courtroom 4;** and
7. Trial: **September 10, 2024, at 8:30 a.m., in Courtroom 4.**

(ECF No. 18.)

1 On July 19, 2023, the parties filed a stipulated motion to again modify the scheduling
2 order. (ECF No. 19.) The parties proffer they have agreed to extending certain deadlines by 10-
3 40 days due to the unavailability of witnesses for deposition. The parties do not seek a
4 continuance of the pretrial conference or trial dates. The Court finds good cause to grant the
5 stipulated extension. However, the Court notes there were various errors contained in the
6 stipulation and proposed order.¹

7 Accordingly, pursuant to the stipulation of the parties and good cause appearing, IT IS
8 HEREBY ORDERED that the parties' stipulated motion to modify the schedule (ECF No. 19) is
9 GRANTED, and the scheduling order is modified as follows:

- 10 1. Non-Expert Discovery Deadline: **September 8, 2023;**
- 11 2. Expert Disclosure Deadline: **November 13, 2023;**
- 12 3. Supplemental Expert Disclosure Deadline: **December 15, 2023;**
- 13 4. Expert Discovery Deadline: **February 12, 2024;** and
- 14 5. Dispositive Motion Filing Deadline: **February 12, 2024.**

15 All other dates shall remain as set, including the pretrial conference set for July 8, 2024, at 1:30
16 p.m., in Courtroom 4; and the trial set for September 10, 2024, at 8:30 a.m., in Courtroom 4.

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18 IT IS SO ORDERED.

19 Dated: **July 19, 2023**


UNITED STATES MAGISTRATE JUDGE

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25 ¹ Specifically, the stipulation and proposed order, contain the initially set dates of March 1, 2024, for the pretrial
26 conference, and April 29, 2024, for the trial date. (ECF No. 19 at 2-3; ECF No. 19-1 at 1-2.) However, those dates
27 have already been extended as noted above. The parties' filings also request expert discovery cutoff and dispositive
28 motion deadlines in in 2023, when it appears they meant 2024. This same error appeared in the previous stipulation
as well. Additionally, the stipulation requests a supplemental expert disclosure deadline of December 15, 2023,
whereas the proposed order requests December 13, 2023. The Court will extend the dates to 2024, and use the later
December 15th date. Finally, it is not clear whether the parties meant to set the expert discovery deadline and
dispositive motion filing deadline for the same date, however, that is how the parties' stipulation and proposed order
was submitted, and the Court shall utilize February 12, 2024, for both dates (again although the filing states 2023).